

AUG 14 2006

**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

Docket No.  
**18276**

In Re Application Of: **Heikki Heikkilä, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
<b>10/509,266</b>	<b>September 27, 2004</b>	<b>Ernest G. Therkorn</b>	<b>23389</b>	<b>1723</b>	<b>5317</b>

Title: **SEPARATION OF SUGARS, SUGAR ALCOHOLS, CARBOHYDRATES AND MIXTURES THEREOF**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**TERMINAL DISCLAIMER UNDER 37 CFR 1.321**

in the above identified application.

- ☐ No additional fee is required.
- ☒ A check in the amount of **\$130.00** is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **19-1013/SSMP** as described below.
- ☐ Charge the amount of
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

*Signature*

Dated: **August 10, 2006**

Leopold Presser  
Registration No. 19,827  
SCULLY, SCOTT, MURPHY & PRESSER, P.C.  
400 Garden City Plaza - Suite 300  
Garden City, New York 11530

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

August 10, 2006

(Date)

*Signature of Person Mailing Correspondence*

**Leopold Presser**

*Typed or Printed Name of Person Mailing Correspondence*

CC:



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** Heikki Heikkilä, et al.

**Examiner:** Ernest G. Therkorn

**Serial No.:** 10/509,266

**Art Unit:** 1723

**Filed:** September 27, 2004

**Docket:** 18276

**For:** SEPARATION OF SUGARS, SUGAR  
ALCOHOLS, CARBOHYDRATES AND  
MIXTURES THEREOF

**Dated:** August 10, 2006

**Confirmation No.:** 5317

Mail Stop Amendment  
Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER UNDER 37 CFR 1.321**

The disclaimant, DANISCO SWEETENERS OY, a Finland corporation having a principal place of business at Sokeritehtaantie 20, FIN-02460 Kantvik, FINLAND verifies through its duly authorized representative that it is the owner of all right, title and interest in the above-identified patent application (hereinafter "Present Application"), as evidenced by the enclosed Assignment document executed by all the inventors of the Present Application.

The disclaimant hereby disclaims the terminal part of any United States patent granted on the Present Application that would extend beyond the expiration date of the full statutory terms of:

(1) United States Patent No. 7,009,076, which was issued on March 7, 2006 from U.S. Patent Application No. 10/373,476 filed on February 25, 2003 for "PROCESS FOR RECOVERING BETAINE" and was assigned to FINNFEEDS FINLAND OY by an Assignment recorded on June 30, 2003 in the assignment records of the USPTO at Reel 014223, Frame 0531 (hereinafter "Prior Patent I"); (2) United States Patent No. 7,037,378, which was issued on May 2, 2006 from U.S. Patent Application No. 10/670,094 filed on September 24, 2003 for "SEPARATION OF SUGARS" and was assigned to the above-identified disclaimant by the Assignment recorded on

March 24, 2004 in the assignment records of the USPTO at Reel 014458, Frame 0543 (hereinafter "Prior Patent II"); and (3) any patent granted on pending U.S. Patent Application No. 10/697,763, which was filed on October 30, 2003 for "SEPARATION PROCESS" and was assigned to the above-identified disclaimant by the Assignment recorded on February 4, 2004 in the assignment records of the USPTO at Reel 014307, Frame 0300 (hereinafter "Reference Application"). Copies of the correspondingly USPTO assignment records are enclosed herewith.

Because the above-identified disclaimant and FINNFEEDS FINLAND OY are both 100%-owned subsidiaries of the same parent company, DANISCO, as evidenced by the 2003-2004 Annual Report of DANISCO (a copy of which is enclosed herewith), the Present Application, the Prior Patent I, the Prior Patent II, and the Reference Application are deemed as commonly owned by the parent company DANISCO, according to the provision of MPEP §706.02(1)(2), Example 1.

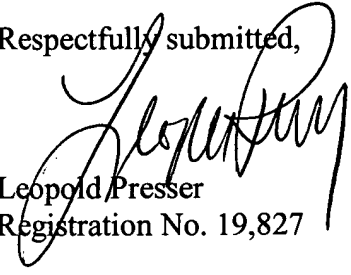
Disclaimant further agrees that any United States patent so granted on the Present Application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal titles to the Prior Patent I, the Prior Patent II and any patent granted on the Reference Application, and to be binding upon the grantee, its successors and assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the Present Application, which is prior to the expiration of the full statutory terms of the Prior Patent I, the Prior Patent II and any patent granted on the Reference Application, in the event that any of the Prior Patent I, the Prior Patent II and any patent granted on the Reference Application later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above.

Enclosed is a check for the \$130.00 fee as specified in 37 CFR §1.20(d) for the filing of this Terminal Disclaimer to Deposit Account No. 19-1013/SSMP.

I, Leopold Presser, represent that I am a principal attorney of record in United States Patent Application No. 10/509,266 and am authorized to execute this disclaimer on behalf of the disclaimant, DANISCO SWEETENERS OY. I further declare that the evidentiary documents of ownership have been reviewed and I certify that to the best of disclaimant's knowledge and belief, title of United States Patent Application No. 10/509,266 belongs to the disclaimant, and the disclaimant may seek to take action as proposed herein.

Respectfully submitted,



Leopold Presser  
Registration No. 19,827

SCULLY, SCOTT, MURPHY & PRESSER, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343  
FSD/MY:vh



### ASSIGNMENT

In consideration of One Dollar (\$1.00), and other good and valuable considerations, the receipt of which is hereby acknowledged, we, the undersigned,  
Heikki HEIKKILÄ, Päivi SARMALA, Ari KÄRKI, Nina NURMI and Hannu PAANANEN

Hereby sell, assign and transfer to Danisco Sweeteners Oy  
a corporation of Finland having a place of business at Sokeritehtaantie 20, FI-02460  
Kantvik, Finland, its successors, assigns and legal representatives, the entire right, title and  
interest for all countries, in and to any and all improvements which are disclosed and claimed,  
and as possessed by the undersigned, any and all improvements which are disclosed but not  
claimed, in the application for United States Patent, which has been executed by the undersigned  
even date  
on   /   and is entitled

Separation of sugars, sugar alcohols, carbohydrates and mixtures thereof  
and in and to said application and all divisional, continuing, substitute, renewal, reissue, and all  
other applications for Letters Patent which have been or shall be filed on any of said  
improvements disclosed in said application; and in and to all original and reissued patents which  
have been or shall be issued on said improvements;

Authorize and request the Commissioner of Patents to issue to said Assignee, the  
corporation above named, its successors, assigns and legal representatives, in accordance with  
this assignment, any and all United States Letters Patent on said improvements, or any of them,  
disclosed in said application;

Agree that said Assignee may apply for and receive foreign Letters Patent for said  
improvements, or any of them; and may claim, in applications for said foreign Letters Patent, the

priority of the aforesaid United States application under the provisions of the International Convention; and that, when requested, without charge to but at the expense of said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned will, for the United States and all foreign countries, execute all divisional, continuing, substitute, renewal, reissue and all other patent applications on any and all said improvements; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee its successors, assigns and representatives, all facts known to the undersigned relating to said improvements and the history thereof; testify in all legal proceedings; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing, maintaining and enforcing proper patent protection for said improvements and for vesting title to said improvements and all applications for patents and all patents on said improvements, in said Assignee, its successors, assigns and legal representatives; and

**Covenant** with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Heikki Heikkilä  
Heikki Heikkilä

Date: 22.12.2004

Witness: [Signature]

Päivi Sarmala  
Päivi Sarmala

Date: 29.12.2004  
Witness: Zsolt Palkó

\_\_\_\_\_  
Ari Kärki

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

\_\_\_\_\_  
Nina Nurmi

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

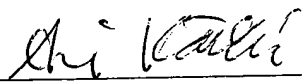
Hannu Paananen  
Hannu Paananen

Date: 03.01.2004  
Witness: Zsolt Palkó

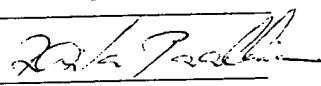
\_\_\_\_\_  
Päivi Sarmala

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

  
\_\_\_\_\_  
Ari Kärki

Date: 10.1.2005

Witness: 

\_\_\_\_\_  
Nina Nurmi

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

\_\_\_\_\_  
Hannu Paananen

Date: \_\_\_\_\_

Witness: \_\_\_\_\_



\_\_\_\_\_  
Päivi Sarmala


Date: \_\_\_\_\_

Witness: \_\_\_\_\_

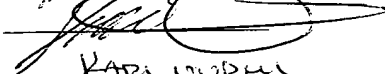
\_\_\_\_\_  
Ari Kärki

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

  
\_\_\_\_\_  
Nina Nurmi

Date: 29.12.2004

Witness:   
KARI NURMI

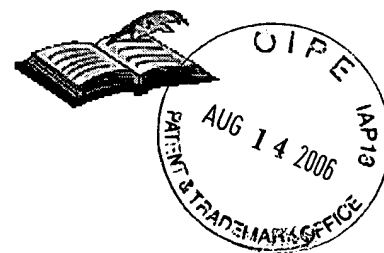
\_\_\_\_\_  
Hannu Paananen

Date: \_\_\_\_\_

Witness: \_\_\_\_\_



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## Assignments on the Web &gt; Patent Query

## Patent Assignment Abstract of Title

***NOTE: Results display only for issued patents and published applications.  
For pending or abandoned applications please consult USPTO staff.***

## Total Assignments: 1

Patent #: 7009076

Issue Dt: 03/07/2006 Application #: 10373476 Filing Dt: 02/25/2003

Publication #: US20040006222 Pub Dt: 01/08/2004

Inventors: Hannu Paananen, Heikki Heikkila, Outi Puuppo, Hannu Koivikko, Kaj-Erik Monten et al

Title: PROCESS FOR RECOVERING BETAINE

## Assignment: 1

Reel/Frame: 014223/0531

Recorded: 06/30/2003

Pages: 10

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: PAANANEN, HANNU

Exec Dt: 04/22/2003

HEIKKILA, HEIKKI

Exec Dt: 04/28/2003

PUUPPO, OUTI

Exec Dt: 05/02/2003

KOIVIKKO, HANNU

Exec Dt: 04/22/2003

MONTEN, KAJ-ERIK

Exec Dt: 04/11/2003

MANTTARI, MIKA

Exec Dt: 05/22/2003

NYSTROM, MARIANNE

Exec Dt: 05/22/2003

Assignee: FINNFEEDS FINLAND OY

KEILARANTA 9

ESPOO, FINLAND FIN-02150

Correspondent: SCULLY SCOTT MURPHY, ET AL.

EDWARD W. GROLZ

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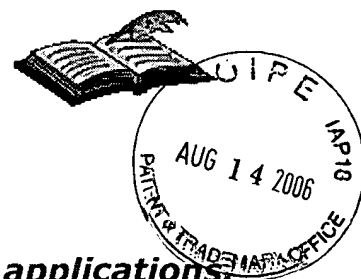
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## Patent Assignment Abstract of Title

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## Total Assignments: 1

Patent #: 7037378

Issue Dt: 05/02/2006 Application #: 10670094 Filing Dt: 09/24/2003

Publication #: US20050061313 Pub Dt: 03/24/2005

Inventors: Juho Jumppanen, Vili Ravanko, Heikki Heikkila, Juha Nurmi, Nina Nurmi, Pia Saari et al

Title: SEPARATION OF SUGARS

## Assignment: 1

Reel/Frame: 014458/0543

Recorded: 03/24/2004

Pages: 7

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: JUMPPANEN, JUHO

Exec Dt: 11/18/2003

RAVANKO, VILI

Exec Dt: 11/17/2003

HEIKKILA, HEIKKI

Exec Dt: 11/06/2003

NURMI, JUHA

Exec Dt: 11/07/2003

NURMI, NINA

Exec Dt: 11/08/2003

SAARI, PIA

Exec Dt: 11/21/2003

HAKKA, KATJA

Exec Dt: 11/07/2003

LEWANDOWSKI, JARI

Exec Dt: 11/06/2003

Assignee: DANISCO SWEETENERS OY

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Correspondent: SCULLY, SCOTT, MURPHY &amp; PRESSER

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## Patent Assignment Abstract of Title

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For pending or abandoned applications please consult USPTO staff.**

## Total Assignments: 1

Patent #: NONE

Issue Dt:

Application #: 10697763 Filing Dt: 10/30/2003

Publication #: [US20050096464](#) Pub Dt: 05/05/2005

Inventors: Heikki Heikkila, Hannu Koivikko, Juha Nurmi, Jari Mattila, Pia Saari, Nina Nurmi et al

Title: Separation process

## Assignment: 1

Reel/Frame: [014307/0300](#)

Recorded: 02/04/2004

Pages: 9

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: [HEIKKILA, HEIKKI](#)

Exec Dt: 01/12/2004

[KOIVIKKO, HANNU](#)

Exec Dt: 01/12/2004

[NURMI, JUHA](#)

Exec Dt: 01/15/2004

[MATTILA, JARI](#)

Exec Dt: 01/12/2004

[SAARI, PIA](#)

Exec Dt: 01/13/2004

[NURMI, NINA](#)

Exec Dt: 01/13/2004

[SARMALA, PAIVI](#)

Exec Dt: 01/15/2004

[LINDROOS, MIRJA](#)

Exec Dt: 01/12/2004

[LEWANDOWSKI, JARI](#)

Exec Dt: 01/13/2004

Assignee: [DANISCO SWEETNERS OY](#)

SOKERITEHTAANTIE 10

KOTKA, FINLAND FIN-48100

Correspondent: SCULLY, SCOTT, MURPHY ET AL.

EDWARD W. GROLZ

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**DANISCO**

First you add knowledge...

Preparing food for others is a great responsibility – in particular on an industrial scale. More and more food is produced outside the home, and as a supplier of ingredients to food producers, it is important for Danisco to help consumers get healthy, safe and tasty foods.

Danisco offers a broad range of products within ingredients, sweeteners and sugar.

## Vision

Danisco wants to be the leading supplier of ingredients to the global food industry.

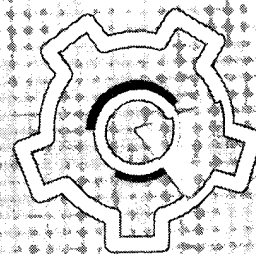
## Financial targets

Danisco builds on the concept of value-based management, creating value through the Group's financial and human resources. The Ingredients and Sweeteners segment targets to double sales in the period 2000-2005 by organic growth above market average and acquisitions.

Danisco is also committed to achieving organic growth in this segment with an operating margin (operating profit, EBIT before special items) of at least 15% during this five-year period and to increasing return on average invested capital (ROAIC) to at least 15% before tax during the same period.

For acquisitions in Ingredients and Sweeteners, Danisco seeks to ensure that return on investment will exceed the weighted average capital cost (WACC) no later than in the third full financial year after the acquisition.

In the Sugar segment, the target is to sustain net sales and grow cash flow from operations by an annual 5-6% (CAGR) in 2000-2005, and to increase ROAIC to at least 12% before tax.



A roundabout seen from above is the connecting link of your journey through Danisco. From a New York café to a park in Sydney. From Danisco's online report to the printed version.

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## Please note:

In the event of any discrepancy between the meaning of the Danish language version and the English language version of the Annual Report for 2003/04, the Danish version prevails.

## SUBSIDIARY UNDERTAKINGS

### Ingredients and Sweeteners

A/S Syntetic	Denmark	DKK	37,400	100
Danisco Argentina S.A.	Argentina	ARS	34	100
Danisco Australia Pty. Ltd.	Australia	AUD	21,000	100
Danisco Cultor Austria GmbH	Austria	EUR	36	100
Danisco Sweeteners GmbH	Austria	EUR	12,058	100
Danisco Belgium S.A.	Belgium	EUR	1,240	100
Danisco Cultor Belgium B.V.B.A.	Belgium	EUR	20	100
Eurotec SPRL	Belgium	EUR	19	100
Danisco Brasil Ltda.	Brazil	BRL	15,721	100
Danisco Canada Inc.	Canada	CAD	100	100
Danisco Chile S.A.	Chile	CLP	6,973,969	100
Danisco (China) Co. Ltd.	China	CNY	203,790	100
Danisco Ingredients (Shanghai) Co. Ltd.	China	CNY	1,655	100
Danisco TianGuan (Nanyang) Co., Ltd.	China	CNY	45,080	80
Danisco Colombia Ltda.	Colombia	COP	66,568	100
Danisco Czech Republic, a.s.	Czech Rep.	CZK	175,000	100
★ Danisco Sweeteners Oy	Finland	EUR	10,000	100
★ Finnfeeds Finland Oy	Finland	EUR	1,346	100
Finnfeeds Oy	Finland	EUR	9	100
Danisco Grasse S.A.S.	France	EUR	6,100	100
Danisco Ingredients France S.A.R.L.	France	EUR	3,700	100
Danisco Landerneau S.A.S.	France	EUR	808	100
Danisco Soillans S.A.S.	France	EUR	3,160	100
Danisco Sweeteners (France) S.A.	France	EUR	10,766	100
Danisco Niebuß GmbH	Germany	EUR	5,000	100
Danisco Ingredients (India) Pvt. Ltd.	India	INR	240,579	100
Danisco Cultor Italia S.p.A.	Italy	EUR	110	100
Danisco Japan Ltd.	Japan	JPY	500,000	100
Perlarom Investissements SA	Luxembourg	EUR	6,200	100
Danisco Malaysia Sdn. Bhd.	Malaysia	MYR	67,000	100
Danisco Mexicana S.A. de C.V.	Mexico	MXN	71,637	100
Cultor Holland B.V.	Netherlands	EUR	20	100
Danisco B.V.	Netherlands	EUR	20	100
Danisco Flavour Creation Centr B.V.	Netherlands	EUR	136	100
Danisco Holland B.V.	Netherlands	EUR	20	100
Danisco New Zealand Ltd.	New Zealand	NZD	12,500	100
Danisco Cultor Norway AS	Norway	NOK	100	100
Danisco Poland Sp. z o.o.	Poland	PLN	200	100
Perlarom Polska Sp. z o.o.	Poland	PLN	50	100
ZAO Danisco	Russia	RUR	264	100
Danisco Singapore Pte. Ltd.	Singapore	SGD	1,000	100
Finnfeeds International Pte. Ltd.	Singapore	SGD	100	100
Danisco Cultor España, S.A.	Spain	EUR	357	100
Perlarom, S.A.	Spain	EUR	126	100
Danisco Cultor Sweden AB	Sweden	SEK	4,000	100

Danisco Sweden AB	Sweden	SEK	15,000	100
Danisco Cultor (Switzerland) AG	Switzerland	CHF	600	100
Xyrofin AG	Switzerland	CHF	500	100
Broadland Foods Ltd.	UK	GBP	417	100
Danisco (UK) Ltd.	UK	GBP	151	100
Danisco Beamminster Ltd.	UK	GBP	2,129	100
Danisco Holdings (UK) Ltd.*	UK	GBP	5,897	100
Danisco Sweeteners (UK) Ltd.	UK	GBP	1	100
Finnfeeds International Ltd.	UK	GBP	11	100
Major International Ltd.	UK	GBP	25	50
Danisco USA, Inc.	USA	USD	55,843	100
Finnisugar Bioproducts Inc.	USA	USD	5,201	100

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